

REMARKS AND ARGUMENTS

Applicant's attorney would like to thank the Examiner for the careful consideration given to this case in the Office Action mailed February 3, 2004. Claims 4-9, 11-17, and 19-25 are pending in the current case.

Claims 4, 8, 9, 12, 16, 17, 19, 22-25 stand rejected by the Examiner under 35 U.S.C. §103(a) for allegedly being unpatentable over Yeung in U.S. Pat. No. 6,617,515 in view of Towfig in U.S. Pat. No 5,853,955. As amended independent claim 4 now includes the limitations of claim 7, and independent claim 12 now includes the limitations of claim 15. Claims 7 and 15 have been canceled. The references cited by the Examiner do not suggest use of a radiant energy beam that includes a laser beam having these properties and marking speed. It is not obvious that such a beam and marking speed would form a marking layer atop the substrate. It is respectfully submitted that as amended, claim 4 and 12 are now in condition for allowance, and that dependent claims 8, 9, 16 and 17 are also in condition for allowance and the Examiner's rejection should be withdrawn.

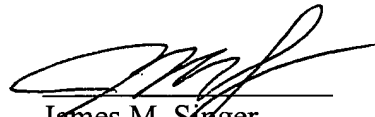
Claims 19, 22, 23, 24, and 25 have been canceled without prejudice, and applicant preserve the right to pursue these claims in subsequent continuing applications.

Claims 11, 20, and 21 stand rejected by the Examiner under 35 U.S.C. §103(a) for allegedly being unpatentable over Yeung in view of Towfig and Seuss et al U.S. Pat. No 5,985,078. To make a case of *prima facie* obviousness, the combination put forth by the Examiner must teach or suggest all the claim limitations. The carrier taught by Seuss creates a mark on the workpiece by an engraving effect- the top layer of the Seuss lacquer is removed in the irradiated area thereby creating a mark which is not atop the substrate. For example, see FIG. 2b in Seuss where the colored marking layer (5) is below the top layer (3) of the lacquer. The combination put forth by the Examiner does not teach or suggest a the limitation of claims 11, 20, and 21 of a marking layer atop the substrate. It is respectfully submitted that Claims 11, 20, and 21 are in condition for allowance and the Examiner's rejection should be withdrawn.

In view of the remarks and amendments to the specification presented above, pending claims 4-6, 8, 9, 11-14, 16, 17, and 20-21 are in condition for allowance and notice to such effect is respectfully requested. Although Applicant believes no fees are due, the

Commissioner is hereby authorized to charge deposit account No. 50-0436 for any fees that may be due in connection with this response. Should the Examiner have any questions regarding these remarks, the Examiner is invited to initiate a telephone conference with the undersigned.

Respectfully Submitted,


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